

**Judge Berman**

**07 CV 6001**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROBERT BLISS,

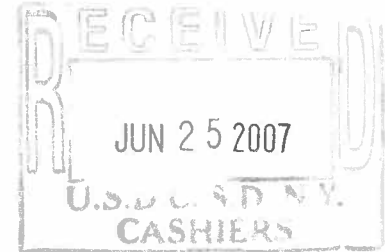
Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER CORPORATION  
a/k/a AMTRAK,

Defendant.  
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NOTICE FOR REMOVAL



Defendant National Railroad Passenger Corporation ("Amtrak"), through its attorneys, Landman Corsi Ballaine & Ford P.C., respectfully states upon information and belief:

1. On June 4, 2007, defendant received the Summons and Verified Complaint in this action which is currently pending in the Supreme Court of the State of New York, New York County. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit A. This constitutes all prior pleadings/orders served upon defendant to date.

2. According to the Verified Complaint, on October 24, 2006, plaintiff Robert Bliss allegedly sustained personal injuries at the premises known as Amtrak Station located at Charlottesville, Virginia.

3. Amtrak is removing this action because defendant Amtrak was created by an Act of Congress, 49 U.S.C. § 24101, et seq., and more than one-half its capital stock is owned by the United States. Thus, the above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. §§ 1331 and 1349 and is one which may be removed to this Court by the defendant therein, pursuant to the provisions of Title 28, U.S.C. § 1441.


WHEREFORE, defendant Amtrak prays that the action now pending against it in the Supreme Court of the State of New York in and for the County of New York be removed therefrom

to this Court.

Dated: New York, New York  
June 23, 2007

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:   
Mark S. Landman  
Attorneys for Defendant Amtrak  
120 Broadway, 27th Floor  
New York, New York 10271-0079  
(212) 238-4800

# **EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

SUMMONS  
with Notice

ROBERT BLISS,

plaintiff,

RECEIVED

JUN 9 2007

Index No.  
107550/07

-against-

Amtrak Passenger Claims Unit

Date Purchased  
MAY 30, 2007

NATIONAL RAILROAD PASSENGER CORPORATION  
a/k/a AMTRAK

defendant.

Plaintiff's designate  
New York County  
as the place of trial

Plaintiff resides at  
43 Meads Mt. Road  
Woodstock, NY

The basis of venue is  
Defendant's residence

NEW YORK  
COUNTY CLERK'S OFFICE

MAY 30 2007

NOT COMPARED  
WITH COPY FILE

To the above named Defendant:

**YOU ARE HEREBY SUMMONED** to answer the complaint  
in this action and to serve a copy of your answer, or, if the complaint is not  
served with the summons, to serve a notice of appearance, on the  
Plaintiff's attorney within 20 days after the service of this summons,  
exclusive of the day of service (or within 30 days after the service is  
complete if this summons is not personally delivered to you within the  
State of New York); and in case of your failure to appear or answer,  
judgment will be taken against you by default for the relief demanded in

the complaint.

Dated: May 3, 2007

Attorney for Plaintiff

A handwritten signature in dark ink, appearing to read "Thomas E. Mehrtens", is written over a horizontal line.

Thomas E. Mehrtens, P.C.  
One Consulate Drive 4K  
Tuckahoe, New York 10707  
(914) 779-3224  
Fax (914) 779-4942  
mehrtens@optonline.net

To: National Railroad Passenger Corporation  
400 West 31<sup>st</sup> Street  
New York, New York 10001

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

ROBERT BLISS,

Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER CORPORATION  
a/k/a AMTRAK

Defendant.

Verified  
Complaint

Plaintiff demands  
trial by jury

Index No.: 107550/07

Date Purchased  
MAY 30, 2007

Plaintiff, by his attorney, Thomas E. Mehrrens, P. Gwalleyes as  
COUNTY CLERK'S OFFICE

follows:

1. Upon information and belief, at the time of the commencement of this action, defendant was a resident of the County of New York, City and State of New York.
2. Upon information and belief, on or about October 24, 2006 and at the commencement of this action, defendant was and still is a railroad corporation duly organized and existing under and by virtue of the laws of the United States of America.
3. Upon information and belief, on or about October 24, 2006 and at the commencement of this action, defendant was engaged as a common carrier in

interstate commerce and was duly authorized to operate and do business in the State of New York.

4. Upon information and belief, on or about October 24, 2006 and at the commencement of this action, defendant owned and operated a railroad system within the jurisdiction.

5. Upon information and belief, on or about October 24, 2006 and at the commencement of this action, defendant employed and supervised the personnel operating, controlling and maintaining the platforms and mobile platforms at the defendant's station in Charlottesville, Virginia.

6. Upon information and belief, on or about October 24, 2006 and at the commencement of this action, plaintiff was a resident of Woodstock, New York.

7. Upon information and belief, on or about October 24, 2006 and at all times hereinafter mentioned, defendant owned the premises on which Amtrak trains arrived in Charlottesville, Virginia.

8. Upon information and belief, on or about October 24, 2006, the plaintiff, a veteran of the Vietnam War who lost his right leg in the service of his country, was a fare-paying passenger utilizing a wheelchair on a train operated by the defendant and with defendant's knowledge arriving in Charlottesville, Virginia.

9. Upon information and belief, on or about October 24, 2006, when said train arrived in Charlottesville, Virginia, the defendant failed to provides the



usual, customary and mandatory facilities for wheelchair passengers such as plaintiff including a mobile platform for use in detrainning.

10. Upon information and belief, the plaintiff was caused to fall while attempting to detrain due to the negligence of the defendant.

11. Plaintiff suffered pain, shock, mental anguish and severe and permanent injuries as a result of said fall including but not limited to a complex tear of the posterior horn of the medial meniscus of his right (and only) knee requiring arthroscopy, partial medial meniscectomy, synovectomy, excision of the medial plica and chondroplasty of the medial femoral condyle which may require the need for a total knee replacement.

12. The said fall and the resulting injuries were due to the negligence of the defendant as aforesaid and the defendant's servants, agents, employees, licensees and/or contractors and the defendant was otherwise negligent.

13. This action falls within one or more of the exceptions set forth in CPLR section 1602.

14. Upon information and belief, no negligence on the part of the plaintiff contributed to the occurrence alleged herein.

15. Upon information and belief, as a result of the foregoing, the plaintiff was damaged in an amount greater than the monetary limits of the lower courts.



WHEREFORE, plaintiff demands judgment against the defendant for money damages in an amount to be set by the court upon a trial by jury together with interest, costs and the disbursements of this action.

Dated: May 3, 2007



Thomas E. Mehrtens, P.C.  
Attorney for plaintiff  
107 Lake Avenue  
Tuckahoe, New York 10707  
914-643-6517  
Fax: 914-779-4942  
E-mail: mehrtens@optonline.net

To: National Railroad Passenger Corporation  
400 West 31<sup>st</sup> Street  
New York, New York 10001

## VERIFICATION

### ATTORNEY'S AFFIRMATION

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER) ss.:

The undersigned, an attorney admitted to practice law in the Courts of the State of New York, shows:

That affirmant is the attorney of record for the Plaintiff in the within action;

That affirmant has read the foregoing Verified Complaint and knows the contents thereof, that the same is true to affirmant's knowledge, except as to the matters affirmant therein stated to be alleged upon information and belief, and as to those matters affirmant believes them to be true.

Affirmant further says that the reason this verification is made by affirmant and not by the Plaintiff is that the Plaintiff resides outside the County wherein affirmant maintains his office.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are as follows: Investigation and Reports.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: Tuckahoe, New York

May 3, 2007



Thomas E. Mehrtens

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

INDEX No.:

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ROBERT BLISS,

Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER CORPORATION  
a/k/a AMTRAK,

Defendant.

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SUMMONS AND VERIFIED COMPLAINT

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THOMAS E. MEHRTENS, P.C.

Attorney for Plaintiff

107 LAKE AVENUE  
TUCKAHOE, NEW YORK 10707

Phone: 914-643-6517

[mehrtens@optonline.net](mailto:mehrtens@optonline.net)

Fax: 914-779-4942

NOTICE OF ENTRY

PLEASE take notice that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

LANDMAN CORSI BALLAINE & FORD P.C.

*Attorneys for*

*Office and Post Office Address*

120 Broadway

NEW YORK, N.Y. 10271-0079

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

at

M.

Dated,

Yours, etc.

LANDMAN CORSI BALLAINE & FORD P.C.

*Attorneys for*

*Office and Post Office Address*

120 Broadway

NEW YORK, N.Y. 10271-0079

To

Attorney(s) for

Index No.

Year

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT BLISS,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION a/k/a AMTRAK,

Defendant.

### NOTICE FOR REMOVAL

Signature (Rule 130-1.1-a)

Print name beneath

LANDMAN CORSI BALLAINE & FORD P.C.

*Attorneys for*

AMTRAK

*Office and Post Office Address, Telephone*

120 Broadway

NEW YORK, N.Y. 10271-0079

(212) 238-4800

FAX: (212) 238-4848

To

Attorney(s) for

Service of a copy of the within is hereby admitted.  
Dated

Attorney(s) for